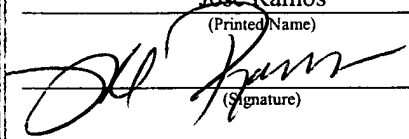




Atty. Dkt. No. 3123-529 (043886-0222)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael MALLARY, et al.
Title: SHIELDED POLE WRITER
UNDER READER
Appl. No.: 10/701,994
Filing Date: 11/05/2003
Examiner: Robert S. TUPPER
Art Unit: 2652

CERTIFICATE OF EXPRESS MAILING. I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
EV 700373386 US	February 21, 2006
(Express Mail Label Number)	(Date of Deposit)
Jose Ramos (Printed Name)	
 (Signature)	

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed November 22, 2005, applicant hereby provisionally elects the species identified by the Examiner as corresponding to Fig. 3, with traverse.

Included herein is a Petition for extension of time, extending the period for response to the above-referenced Office Action by two (2) months to February 22, 2006.

The Examiner identified claim 1 as being generic to the two species identified by the Examiner. Applicant respectfully submits that each of claims 1-7, 14, 17-23, 25, 28, and 29 are generic to Figs. 2 and 3 and that claims 8-13, 15, 24, 26, and 30-40 are specific to the species of Fig. 3.

Applicant respectfully traverses the restriction raised by the Examiner at least on the following grounds:

1. The Examiner has not shown that the subject matter of Figs. 2 and 3 would involve any difference in search, classification or likely future classification. (MPEP 808).
2. The subject matter of Figs. 2 and 3 would involve the same field of search and same classification (with no clear indication of a future separate classification between those species).

In view of the commonality of search and classification, withdrawal of the restriction is requested.

Withdrawal of the restriction and an initial Office Action on the merits are requested.

Respectfully submitted,

Date: February 21, 2006
FOLEY & LARDNER LLP
Customer Number: 23392
Telephone: (310) 975-7963
Facsimile: (310) 557-8475

By: Ted R. Rittmaster Reg. No. 56,252 for/
Ted R. Rittmaster
Attorney for Applicant
Registration No. 32,933